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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/675,361
Filing Date	09-30-2003
First Named Inventor	David Louis Kirschman
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	KRS 001 P2

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

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2 Foreign References

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual nameMATTHEW R. JENKINS  
JACOX, MECKSTROTH & JENKINS

Signature

Date

## CERTIFICATE OF MAILING

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet 2 of 3

**Complete if Known**

<b>Application Number</b>	10/675,361
<b>Filing Date</b>	09-30-2003
<b>First Named Inventor</b>	David Louis Kirschman
<b>Art Unit</b>	3738
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	KRS 001 P2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number- Kind Code <sup>2</sup> (if known)			
		US- 5,324,290	06-28-1994	Zdeblick et al.	
		US- 5,330,473	07-19-1994	Howland	
		US- 5,364,399	11-15-1994	Lowery et al.	
		US- 5,439,463	08-08-1995	Lin	
		US- 5,554,191	09-10-1996	Lahille et al.	
		US- 5,601,551	02-11-1997	Taylor et al.	
		US- 5,616,142	04-01-1997	Yuan et al.	
		US- 5,620,443	04-15-1997	Gertzbein et al.	
		US- 5,672,177	09-30-1997	Seldin	
		US- 5,681,310	10-28-1997	Yuan et al.	
		US- 5,713,899	02-03-1998	Marnay et al.	
		US- 5,776,196	07-07-1998	Matsuzaki et al.	
		US- 5,702,395	12-30-1997	Hopf	
		US- 5,713,900	02-03-1998	Benzel et al.	
		US- 5,720,746	02-24-1998	Soubeiran	
		US- 5,888,228	03-30-1999	Knothe et al.	
		US- 5,925,047	07-20-1999	Errico et al.	
		US- 6,106,557	08-22-2000	Robioneck et al.	
		US- 6,136,002	10-24-2000	Shih et al.	
		US- 6,139,550	10-31-2000	Michelson	

## FOREIGN PATENT DOCUMENTS

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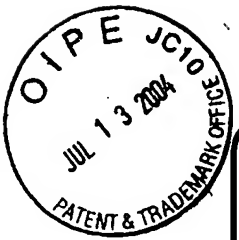
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (10-01)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 3

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 6,159,245	12-12-2000	Meriwether et al.	
		US- 6,224,602	05-01-2001	Hayes	
		US- 6,171,307	01-09-2001	Orlich	
		US- 6,258,089	07-10-2001	Campbell et al.	
		US- 6,261,586	07-17-2001	McKay	
		US- 6,264,655	07-24-2001	Pisharodi	
		US- 6,306,136	10-23-2001	Baccelli	
		US- 6,328,738	12-11-2001	Suddaby	
		US- 6,592,586	07-15-2003	Michelson	
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**FOREIGN PATENT DOCUMENTS**

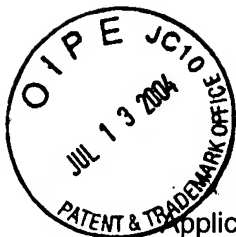
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : David Louis Kirschman  
Serial No. : 10/675,361  
Filed : 09-30-2003  
Title : A SPINAL FUSION SYSTEM  
AND METHOD FOR FUSING  
SPINAL BONES  
Group : 3738  
Docket : KRS 001 P2

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(b)

Pursuant to the provisions of 37 CFR §1.97(b), Applicant(s) wishes to disclose the materials listed below and on the attached form PTO/SB/08A which the Examiner may find relevant to the examination of the above-identified patent application. Pursuant to the Official Gazette Notice of August 5, 2003, waiving the requirements under 37 CFR §1.98(a)(2)(i), Applicant(s) believe copies of any U.S. patents or U.S. patent applications are not required. Copies of any Foreign or Non-Patent references are enclosed herewith.

<u>U.S. Patent No.</u>	<u>Issued</u>	<u>Inventor (s)</u>	<u>Title</u>
1,025,008	04-30-1912	Miner	Brace for Fractured Bones.
2,677,369	05-04-1954	Knowles	Apparatus for Treatment of the Spinal Column.
3,848,601	11-19-1974	Ma et al.	Method for Interbody Fusion of the Spine.
3,867,728	02-25-1975	Stubstad et al.	Prosthesis for Spinal Repair.
4,157,715	06-12-1979	Westerhoff	Intracorporal Drive to Produce a Continuous Traction or Pressure and Method of Operating the Same.
4,309,777	01-12-1982	Patil	Artificial Intervertebral Disc.
4,349,921	09-21-1982	Kuntz	Intervertebral Disc Prosthesis.

4,553,273	11-19-1985	Wu	Vertebral Body Prosthesis and Spine Stabilizing Method.
4,599,086	07-08-1986	Doty	Spine Stabilization Device and Method.
4,714,469	12-22-1987	Kenna	Spinal Implant.
4,743,256	05-10-1988	Brantigan	Surgical Prosthetic Implant Facilitating Vertebral Interbody Fusion and Method.
4,759,766	07-26-1988	Buettner-Janz et al.	Intervertebral Disc Endoprosthesis.
4,834,757	05-30-1989	Brantigan	Prosthetic Implant.
4,878,915	11-7-1989	Brantigan	Surgical Prosthetic Implant Facilitating Vertebral Interbody Fusion.
4,988,349	01-29-1991	Pennig	Device for Osteosynthesis.
4,997,432	03-05-1991	Keller	Surgical Instrument Set.
5,085,660	02-04-1992	Lin	Innovative Locking Plate System.
5,192,327	03-09-1993	Brantigan	Surgical Prosthetic Implant for Vertebrae.
5,246,443	09-21-1993	Mai	Clip and Osteosynthesis Plate with Dynamic Compression and Self-Retention.
5,261,911	11-16-1993	Carl	Anterolateral Spinal Fixation System.
5,324,290	06-28-1994	Zdeblick et al.	Anterior Thoracolumbar Plate.
5,330,473	07-19-1994	Howland	Branch Connector for Spinal Fixation System.
5,364,399	11-15-1994	Lowery et al.	Anterior Cervical Plating System.
5,439,463	08-08-1995	Lin	Spinal Clamping Device.
5,554,191	09-10-1996	Lahille et al.	Intersomatic Vertebral Cage.
5,601,551	02-11-1997	Taylor et al.	Geared External Fixator.
5,616,142	04-01-1997	Yuan et al.	Vertebral Auxiliary Fixation Device.
5,620,443	04-15-1997	Gertzbein et al.	Anterior Screw-Rod Connector.

5,672,177	09-30-1997	Seldin	Implantable Bone Distraction Device.
5,681,310	10-28-1997	Yuan et al.	Vertebral Auxiliary Fixation Device Having Holding Capability.
5,713,899	02-03-1998	Marnay et al.	Cervical Cage Designed for the Performance of Intersomatic Arthrodesis.
5,776,196	07-07-1998	Matsuzaki et al.	Prosthesis for Spanning a Space Formed Upon Removal of an Intervertebral Disk.
5,702,395	12-30-1997	Hopf	Spine Osteosynthesis Instrumentation for an Anterior Approach.
5,713,900	02-03-1998	Benzel et al.	Apparatus for Retaining Bone Portions in a Desired Spatial Relationship.
5,720,746	02-24-1998	Soubeiran	Device for Displacing Two Bodies Relative to Each Other.
5,888,228	03-30-1999	Knothe et al.	Intervertebral Implant with Cage and Rotating Element.
5,925,047	07-20-1999	Errico et al.	Coupled Rod Anterior Vertebral Body Screw, and Staple Assembly.
6,106,557	08-22-2000	Robioneck et al.	Reconstruction System for Vertebra.
6,136,002	10-24-2000	Shih et al.	Anterior Spinal Fixation System.
6,139,550	10-31-2000	Michelson	Skeletal Plating System.
6,159,245	12-12-2000	Meriwether et al.	Box Cage for Intervertebral Body Fusion.
6,224,602	05-01-2001	Hayes	Bone Stabilization Plate with a Secured-Locking Mechanism for Cervical Fixation.
6,171,307	01-09-2001	Orlich	Bone Stabilizer and Method.
6,258,089	07-10-2001	Campbell et al.	Anterior Cervical Plate and Fixation System.
6,261,586	07-17-2001	McKay	Bone Graft Composites and Spacers.
6,264,655	07-24-2001	Pisharodi	Cervical Disk and Spinal Stabilizer.

6,306,136	10-23-2001	Bacelli	Implant, in Particular Front Cervical Plate.
6,328,738	12-11-2001	Suddaby	Anterior Cervical Fusion Compression Plate and Screw Guide.
6,592,586	07-15-2003	Michelson	Single-Lock Anterior Cervical Plating System.

## Foreign References:

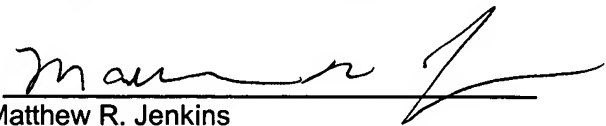
<u>Country</u>	<u>Pub. No.</u>	<u>Pub Date</u>	<u>Applicant</u>
EP	0179695	04-30-1986	Kehr, Pierre
WO	97/20526	06-12-1997	Bray, Robert S.

The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b). By filing this statement, Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1287. Applicant(s) hereby provides a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the prosecution of this application to Deposit Account No. 50-1287. (Should Deposit Account No. 50-1287 be deficient, please charge any further deficiencies to Deposit Account No. 10-0220).

Respectfully submitted,

JACOX, MECKSTROTH &amp; JENKINS

By   
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June 28, 2004